

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

BRYAN S. BEHRENS, NATIONAL
INVESTMENTS, INC.,

Defendants.

8:8CV13

PROTECTIVE ORDER

The parties' joint motion and stipulation, (Filing No. 308), is granted, and a protective order is entered as follows:

- A. Kansas City Life will voluntarily produce two documents – (1) The Post-2004 Non-Contributory Deferred Compensation Plan for Kansas City Life Insurance Company Agents; and (2) The Post-2004 Contributory Deferred Compensation Plan for Agents (2012 Restatement) (collectively, the "KCL Confidential Documents") – to the other parties who are signatories to the parties' stipulated motion, (Filing No. 308).
- B. The KCL Confidential Documents shall be strictly confidential, and neither the parties to this motion nor their counsel shall either (a) disclose such documents to other persons; or (b) absent Court Order, use such documents for any purpose unrelated to this specific litigation.
- C. To the extent any party wishes to use either of the KCL Confidential Documents in this litigation, it shall file such documents as "Restricted Access" filings pursuant to the Court's CM/ECF procedures related to the same.
- D. Any party to whom disclosure is made reserves the right to seek a judicial finding that confidential treatment of the documents is unwarranted, but no party shall publicly disclose any document produced pursuant to the parties' stipulated motion without the written permission of the Court or of Kansas City Life.

- E. The attorneys or representatives who have signed the stipulated motion for protective order (Filing No. 308) will make their clients aware of the terms of this Protective Order before they show the KCL Confidential Documents to the clients.
- F. The provisions of this Protective Order shall continue to be binding after final termination of this litigation. Within ninety (90) days after final conclusion of all aspects of this litigation, including any appeals, all persons (other than the court itself) who received (or tendered to any other person) any KCL Confidential Documents (or any copy thereof) must: (i) return such document(s) to Kansas City Life or (ii) certify in writing to counsel to Kansas City Life that all documents received pursuant to this Protective Order have been destroyed.
- G. If, at any time, the KCL Confidential Documents are subpoenaed or requested by any court, administrative agency, legislative body, or other person or entity, the person or Party to whom the subpoena or request is directed shall provide prompt written notice to Kansas City Life within 14 days of receipt of the subpoena or request.

April 29, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge